

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

MICHAEL FEHRENBACHER, Individually and On Behalf Of All Others Similarly Situated,	:	
		C.A. No. 05-256-SLR
Plaintiff,	:	
-against-	:	
XYBERNAUT CORPORATION, EDWARD G. NEWMAN, STEVEN A. NEWMAN, M.D., AND THOMAS D. DAVIS,	:	
Defendants.	:	

[additional captions on the following pages]

**NOTICE OF WITHDRAWAL OF THE MOTION OF THE FEHRENBACHER
SHAREHOLDER GROUP (A/K/A THE ALSABBAGH FAMILY) FOR
CONSOLIDATION OF ALL RELATED ACTIONS, APPOINTMENT OF LEAD
PLAINTIFF, AND APPROVAL OF PROPOSED LEAD PLAINTIFFS' SELECTION OF
LEAD COUNSEL**

ROBERT H. AYLOR, JR., On Behalf Of :
Himself and All Others Similarly Situated, :
Plaintiff, : C.A. No. 05-222-SLR
-against- :
XYBERNAUT CORPORATION, EDWARD G. :
NEWMAN, STEVEN A. NEWMAN, M.D., and :
THOMAS D. DAVIS :
Defendants. :

MOSHE TAL, Individually and On Behalf Of :
All Others Similarly Situated, :
Plaintiff, : C.A. No. 05-242-SLR
-against- :
XYBERNAUT CORPORATION, EDWARD G. :
NEWMAN, STEVEN A. NEWMAN, M.D., and :
THOMAS D. DAVIS, :
Defendants. :

JEFFREY M. JASKOL AND STACEY J.
JASKOL, Individually and On Behalf Of All
Others Similarly Situated,

Plaintiff,

C.A. No. 05-268-SLR

-against-

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, M.D.,
THOMAS D. DAVIS, BRUCE C. HAYDEN and
GRANT THORNTON, LLP,

Defendants.

JOSEPH DANIEL WAUHOP, On Behalf Of
Himself and All Others Similarly Situated,

Plaintiff,

C.A. No. 05-310-SLR

-against-

XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, M.D.,
THOMAS D. DAVIS, JOHN F. MOYNAHAN and
GRANT THORNTON, LLP,

Defendants.

CHRISTINA W. DONNELLY, JOHN DONNELLY, JAMES G. WILLIAMSON and RICHARD W. DEARBORN, Individually and On Behalf Of All Others Similarly Situated,	:	
	:	C.A. No. 05-334-JJF
Plaintiff,	:	
	:	
-against-	:	
	:	
XYBERNAUT CORPORATION, EDWARD G. NEWMAN, STEVEN A. NEWMAN, M.D., THOMAS D. DAVIS, BRUCE C. HAYDEN and GRANT THORNTON, LLP,	:	
	:	
Defendants.	:	

On June 14, 2005, Shareholders Michael Fehrenbacher, Anandamoy Sahoo, Hamed Hashem Alsabbagh, Ghaith Hashem Alsabbagh, and Rabab Hamed Naji (“Movants” or the “Fehrenbacher Shareholder Group”), submitted a motion, pursuant to Section 27(a)(3) of the Securities Act of 1933, 15 U.S.C. § 77z-1(a)(3), and Section 21D(a)(3) of the Securities Act of 1934, 15 U.S.C. § 78u-4(a)(3), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), and Rule 42 of the Federal Rules of Civil Procedure, for an order: (i) consolidating the above-titled and related actions, (ii) appointing Movants as Lead Plaintiffs in this action and (iii) approving Movants’ selection of the law firms of Chimicles & Tikellis LLP (“Chimicles”) and Sarraf Gentile LLP (“Sarraf”) as Co-Lead Counsel for the Class (the “Motion”). (D.I. 11 in civil action 05-222; D.I. 13 in civil action 05-242; D.I. 12 in civil action 05-256; D.I. 16 in civil action 05-268; D.I. 11 in civil action 05-310; D.I. 9 in civil action 05-334.)

After reviewing the briefing related to the Motion and the competing motions filed in the above actions, the Fehrenbacher Shareholder Group hereby withdraws its Motion and supports

the competing motion for consolidation of the related actions, appointment of Lead Plaintiffs, and approval of Lead Plaintiffs' selection of counsel filed by the Al Mesnad Group.

Dated: July 5, 2005

CHIMICLES & TIKELLIS LLP


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Proposed Lead Delaware Counsel

OF COUNSEL:

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